

Hearing Officer Transmittal Checklist

Hearing Date
11/05/2013
Agenda Item No.
3, 4

Project Number: R2013-00961-(3) & R2013-00971-(3)
Conditional Use Permit Case Nos. 201300048 &
Case(s): 201300052
Environmental Assessment Case Nos. 201300094 &
201300095
Planner: Shaun Temple

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☐ Aerial Image(s)
- ☐ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: _____





Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBERS

R2013-00961-(3), R2013-00971-(3)

REQUESTED ENTITLEMENTS

CUP 201300048, CUP 201300052

PROJECT SUMMARY

OWNER / APPLICANT

Sprint Nextel

MAP/EXHIBIT DATE

See Attached
Summary Table

HEARING DATE

November 5, 2013

PROJECT OVERVIEW

The applicant, Sprint Nextel, requests two conditional use permits ("CUPs") to authorize the continued operation and maintenance of each of the two existing wireless telecommunications facilities consisting of panel antennas and microcells mounted on utility poles and associated equipment cabinets on concrete pads at ground level located in the public right-of-way of Malibu Canyon Road. The two wireless facilities were approved by CUP No. 01-053-(3) and CUP No. 01-054-(3). Both CUPs expired on August 22, 2011.

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption-Existing Facilities

Project Data	Project No. R2013-00961-(3) CUP No. 201300048	Project Data	Project No. R2013-00971-(3) CUP No. 201300052
Location	121 ½ Malibu Canyon Road	Location	1956 ½ Malibu Canyon Road
APN	Adjacent to APN 4456-034-901	APN	Adjacent to APN 4457-002-900
Zoned District	The Malibu Zoned District	Zoned District	The Malibu Zoned District
Land Use Plan	Malibu Coastal Plan	Land Use Plan	Malibu Coastal Plan
Land Use Designation	18 - Parks	Land Use Designation	18 - Parks
Zone	A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area)	Zone	A-2-5 (Heavy Agricultural – 5 Acre Minimum Required Lot Area)
CSD	N/A	CSD	N/A
Map/Exhibit Date	May 7, 2013	Map/Exhibit Date	April 9, 2013

KEY ISSUES

- Consistency with the Los Angeles County General Plan and the Malibu Coastal Plan
- Satisfaction of the following Sections of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional use permit burden of proof requirements)
 - 22.52.1220 (Uses not Specified – Number of [parking] spaces required)

CASE PLANNER:

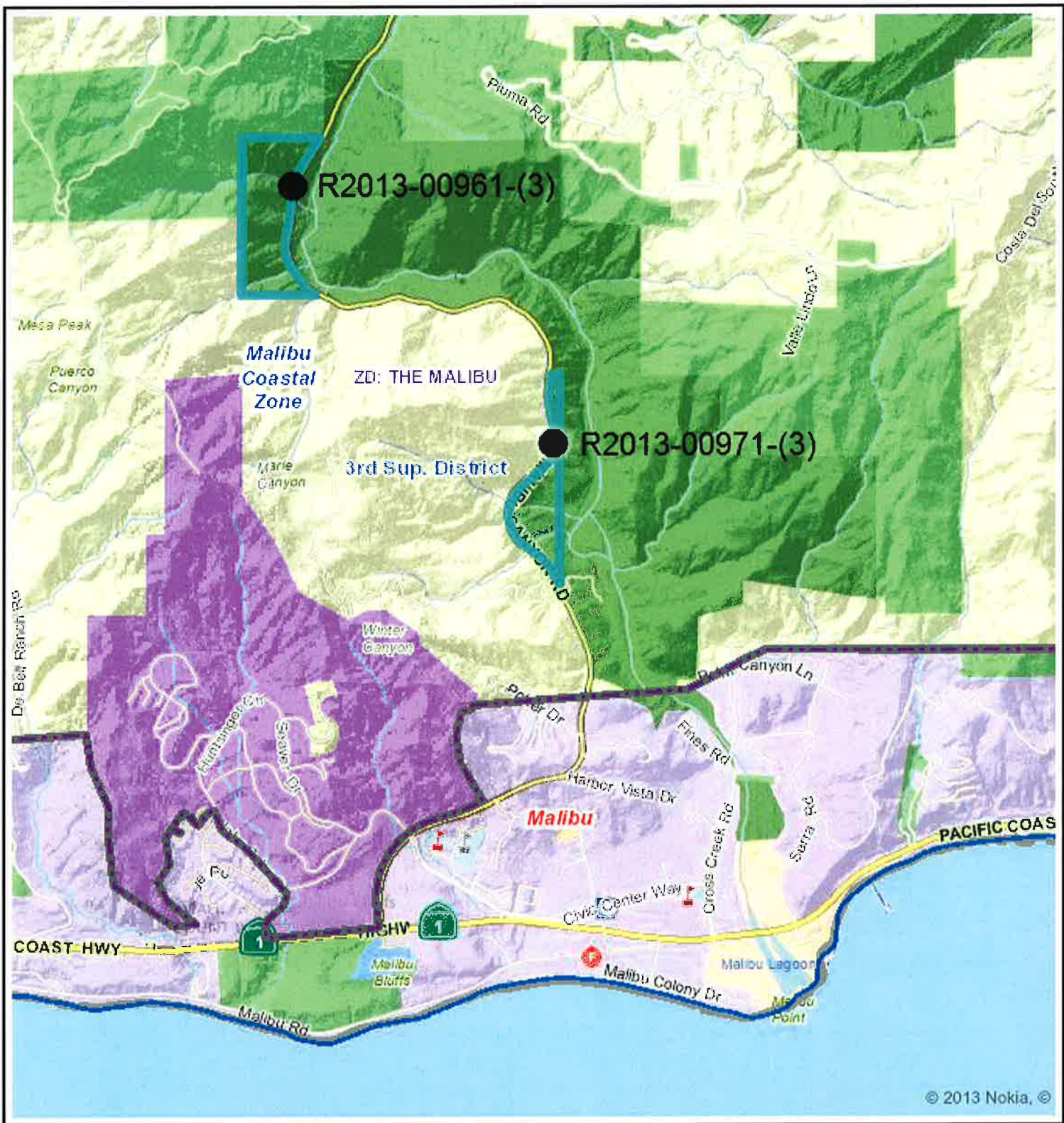
Shaun Temple

PHONE NUMBER:

(213) 974-6443

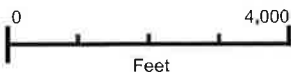
E-MAIL ADDRESS:

stemple@planning.lacounty.gov



Department of Regional Planning Property Location Map

Printed: Oct 22, 2013



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ENTITLEMENTS REQUESTED

Conditional Use Permits (CUPs) for the continued operation and maintenance of two (2) wireless telecommunications facilities located in the public right-of-way in the following zones and pursuant to the following County Code sections:

- Project No. R2013-00961-(3) in the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.24.100.
- Project No. R2013-00971-(3) in the A-2-5 (Heavy Agricultural – 5 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.24.150.

PROJECT DESCRIPTION

The project is a request for CUPs to authorize the continued use of two (2) wireless telecommunications facilities located in the public right-of-way along Malibu Canyon Road in the Malibu Coastal Zone between the Pacific Coast Highway and Mulholland Highway. Wireless facility project site 1 was approved by CUP No. 01-053-(3) and project site 2 was approved by CUP No. 01-054-(3) on August 22, 2001 and the permits expired on August 22, 2011. There are no changes to the previously approved facilities, which contain the following project details:

Project Site	Project Numbers Location	Location	Project Details
1	Project No. R2013-00961-(3) CUP No. 201300048	121 ½ Malibu Canyon Road (Adjacent to APN 4456-034-901)	Two panel antennas mounted on an existing 38 foot utility pole approximately 19 feet above grade level with an associated equipment cabinet on a concrete pad.
2	Project No. R2013-00971-(3) CUP No. 201300052	1956 ½ Malibu Canyon Road (Adjacent to APN 4457-002-900)	Four panel antennas mounted on an existing 39 foot utility pole approximately 24 feet above grade level with an associated equipment cabinet on a concrete pad.

EXISTING ZONING

Both of the wireless telecommunications facilities are located in the public right-of-way along Malibu Canyon Road. However, pursuant to Section 22.16.020, the zoning for the properties adjacent to the project sites extend to the centerline of the right-of-way. The zoning and surrounding zoning for the project sites are as follows:

Project Site	Project Numbers	Project Site Zone and Surrounding Zoning Designations
1	Project No. R2013-00961-(3) CUP No. 201300048	A-1-1. Surrounding zones are A-1-1 in all directions.
2	Project No. R2013-00971-(3) CUP No. 201300052	A-2-5. Surrounding zones are A-2-5 in all directions.

EXISTING LAND USES

Both of the wireless telecommunications facilities are located in the public right-of-way along Malibu Canyon Road and are mounted on existing utility poles. The land uses that surround the project sites are as follows:

Project Site	Project Numbers	Project Site Surrounding Land Uses
1	Project No. R2013-00961-(3) CUP No. 201300048	Malibu Creek State Park in all directions.
2	Project No. R2013-00971-(3) CUP No. 201300052	Undeveloped vacant rural land to the west and Malibu Creek State Park to the north, east, and south.

PREVIOUS CASES/ZONING HISTORY

Project site 1 was approved by CUP No. 01-053-(3) and project site 2 by CUP No. 01-054-(3). Both CUPs were approved on August 22, 2001 and expired on August 22, 2011.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that these projects qualify for a Categorical Exemption (Class 1 Exemption, Existing Facilities, under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a request to continue the use of two existing wireless facilities with no proposed changes. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATIONGeneral Plan/Community Plan Consistency

Both of the wireless telecommunications facilities are located in the public right-of-way along Malibu Canyon Road and are mounted on existing utility poles. The project sites are located within the Parks land use category of the Malibu Coastal Plan. This category is designated for public-owned park and beach lands. The Malibu Coastal Plan is silent in regards to wireless telecommunications facilities mounted on existing utility poles located in the public right-of-way. The Regional Planning Commission approved the existing two wireless facilities by CUP No. 01-053-(3) and CUP No. 01-054-(3). As the project does not propose any changes to any of the existing wireless facilities and there have been no new land use policies regarding wireless facilities in the public right-of-way in the Malibu Coastal Plan, the project is consistent with this land use plan.

Zoning Ordinance and Development Standards Compliance

Wireless telecommunications facilities are not a defined use in the County Code; therefore, staff have used "radio and television stations and towers" as a comparable use. Radio and television stations and towers require a CUP in all zones. Both of the wireless telecommunications facilities are located in the public right-of-way adjacent to A-1 and A-2 zones respectively along Malibu Canyon Road. For uses that are not specified, County Code Section 22.52.1220, gives the director the authority to determine the amount of parking adequate to prevent traffic congestion and excessive on-street parking. The wireless facilities require period maintenance only and the maintenance vehicle may use the road shoulder for this purpose; therefore, no permanent parking space is required.

Wireless Telecommunication Facility Standards

Both of the wireless telecommunications facilities are compliant with the following applicable Departmental standards for wireless projects in the public right-of-way:

- **Height:** No wireless facility in the public right-of-way shall exceed 50 feet above grade level. The tallest wireless facility out of the two total facilities is mounted approximately 24 feet above grade level on a 39 foot utility pole. Therefore, the project complies with this requirement.
- **Placement:** Wireless facilities in the public right-of-way shall not interfere or obstruct highways, trails, sidewalks or any other public or private access. The existing two wireless facilities that are mounted on exiting utility poles do not interfere or obstruct access to any highway, trail, sidewalk, or private or personal access. Therefore, the project complies with this requirement.

Significant Ecological Resource Areas (SERAs)

Both projects are located in a SERA. The projects were reviewed by the Environmental Review Board (ERB) on August 19, 2013 and were not found to have any new substantial environmental impacts. The ERB recommended adding the following conditions of approval:

- Old and new above-ground facilities shall be painted in a color that matches the soil surrounding the facility or if on a wooden pole, the color of the pole.
- In locations on stream banks, wattles shall be used downslope to capture and retrieve any debris from maintenance operations that may fall towards the stream for disposal in a landfill. This includes brush from clearance operations.

Neighborhood Impact/Land Use Compatibility

The two wireless telecommunications facilities have been in existence since 2001 and there has been no record of public complaints or zoning violations for any of the sites. The aesthetic impact of wireless facilities has been addressed by placing the facilities on existing utility poles in the public right-of-way, and the facilities would continue as constructed with no changes. The wireless facilities provide important communications infrastructure to rural areas of the County, and the two facilities do not negatively impact the areas or neighborhoods in which they are located.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof statements for each facility with applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The Los Angeles County Department of Public Works (DPW) was consulted on this permit request. The two wireless facilities were approved in 2001 and were required to obtain encroachment permits from Caltrans and DPW as they are located in the public right-of-way. The applicants have provided the records of the excavation permits and as the facilities are existing structures and since no changes are proposed, DPW has stated that they do not require any further review.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of the following projects, subject to the attached conditions.

- Project No. R2013-00961-(3) / CUP No. 201300048
- Project No. R2013-00971-(3) / CUP No. 201300052

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBERS 201300048, 201300052 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Shaun Temple, Regional Planning Asst. II, Zoning Permits West Section
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West Section

Attachments:

Draft Findings

Draft Conditions of Approval

Applicant's Burden of Proof statement

Site Photographs, Aerial Image

Site Plan

MKK:SCT
10/16/13

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NOS. R2013-00961-(3), R2013-00971-(3)
CONDITIONAL USE PERMIT NOS. 201200048, 201300052**

1. **ENTITLEMENTS REQUESTED.** The applicant, Sprint Nextel, is requesting Conditional Use Permits (CUPs) to authorize the continued operation and maintenance of two (2) wireless telecommunications facilities located in the public right-of-way in the following zones pursuant to the following County Code sections:
 - Project No. R2013-00961-(3) in the A-1-1 (Light Agricultural – 1 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.24.100.
 - Project No. R2013-00971-(3) in the A-2-5 (Heavy Agricultural – 5 Acre Minimum Required Lot Area) Zone pursuant to County Code Section 22.24.150.
2. **HEARING DATE.** November 5, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**
4. **PROJECT DESCRIPTION.** The project is a request for CUPs to authorize the continued use of two (2) wireless telecommunications facilities located in the public right-of-way along Malibu Canyon Road in the Malibu Coastal Zone between the Pacific Coast Highway and Mulholland Highway. Wireless facility project site 1 was approved by CUP No. 01-053-(3) and project site 2 by CUP No. 01-054-(3), both on August 22, 2001. There are no proposed changes to any of the previously approved facilities, which contain the following project details:

Project Site	Project Numbers	Project Details
1	Project No. R2013-00961-(3) CUP No. 201300048	Two panel antennas mounted on an existing 38 foot utility pole approximately 19 feet above grade level with an associated equipment cabinet on a concrete pad.
2	Project No. R2013-00971-(3) CUP No. 201300052	Four panel antennas mounted on an existing 39 foot utility pole approximately 24 feet above grade level with an associated equipment cabinet on a concrete pad.

5. **LOCATION.** The location of the two wireless facilities are as follows:

1	Project No. R2013-00961-(3) CUP No. 201300048	121 ½ Malibu Canyon Road (Adjacent to APN 4456-034-901)
2	Project No. R2013-00971-(3) CUP No. 201300052	1956 ½ Malibu Canyon Road (Adjacent to APN 4457-002-900)

6. **EXISTING ZONING.** Both of the wireless telecommunications facilities are located in the public right-of-way along Malibu Canyon Road. However, pursuant to Section 22.16.020, the zoning for the properties adjacent to the project sites extend to the centerline of the right-of-way. The zoning and surrounding zoning for the project sites are as follows:

1	Project No. R2013-00961-(3) CUP No. 201300048	A-1-1. Surrounding zones are A-1-1 in all directions.
2	Project No. R2013-00971-(3) CUP No. 201300052	A-2-5. Surrounding zones are A-2-5 in all directions.

7. **EXISTING LAND USES.** Both of the wireless telecommunications facilities are located in the public right-of-way along Malibu Canyon Road and are mounted on existing utility poles. The land uses that surround the project sites are as follows:

1	Project No. R2013-00961-(3) CUP No. 201300048	Malibu Creek State Park in all directions.
2	Project No. R2013-00971-(3) CUP No. 201300052	Undeveloped vacant rural land to the west and Malibu Creek State Park to the north, east, and south.

8. **PREVIOUS CASES/ZONING HISTORY.** Project site 1 was approved by CUP No. 01-053-(3) and project site 2 by CUP No. 01-054-(3). Both CUPs were approved on August 22, 2001 and expired on August 22, 2011.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** Both of the wireless telecommunications facilities are located in the public right-of-way along Malibu Canyon Road and are mounted on existing utility poles. The project sites are located within the Parks land use category of the Malibu Coastal Plan. This category is designated for public-owned park and beach lands. The Malibu Coastal Plan is silent in regards to wireless telecommunications facilities mounted on existing utility poles located in the public right-of-way. The Regional Planning Commission approved the existing two wireless facilities by CUP No. 01-053-(3) and CUP No. 01-054-(3). As the project does not propose any changes to any of the existing wireless facilities and there have been no new land use policies regarding wireless facilities in the public right-of-way in the Malibu Coastal Plan; therefore, the project is consistent with this land use plan.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Wireless telecommunications facilities are not a defined use in the County Code; therefore, staff have used "radio and television stations and towers" as a comparable use. Radio and television stations and towers require a CUP in all zones. Both of the wireless telecommunications facilities are located in the public right-of-way adjacent to A-1 and A-2 zones respectively along Malibu Canyon Road. For uses that are not specified, County Code Section 22.52.1220, gives the director the authority to determine the amount of parking adequate to prevent traffic congestion and excessive on-street parking. The wireless facilities require period maintenance only and the maintenance vehicle may use the road shoulder for this purpose; therefore, no permanent parking space is required.
11. The two wireless telecommunications facilities are compliant with the Departmental standards for height for wireless projects in the public right-of-way. Departmental wireless telecommunication facilities policy states that no wireless facility in the public right-of-way shall exceed 50 feet above grade level. The wireless facilities are mounted on utility poles that are 39 and 38 feet high, and the antennas are mounted at approximately 24 feet and 19 feet above grade level.
12. The two wireless telecommunications facilities are compliant with the Departmental standards for placement of wireless facilities in the public right-of-way. Departmental policy states that wireless facilities in the public right-of-way shall not interfere or obstruct highways, trails, sidewalks or any other public or private access. The existing two wireless facilities that are mounted on existing utility poles do not interfere or obstruct access to any highway, trail, sidewalk, or private or personal access.
13. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The two wireless facilities do not negatively impact the areas or neighborhoods in which they are located. The two wireless telecommunications facilities have been in existence since 2001 and there has been no record of public complaints or zoning violations for any of the sites. The aesthetic impact of wireless facilities has been addressed by placing the facilities on existing utility poles in the public right-of-way and the facilities would continue as constructed with no changes. The wireless facilities also provide important communications infrastructure to rural areas of the County.
14. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Los Angeles County Department of Public Works (DPW) was consulted on this permit request. The two wireless facilities were approved in 2001 and were required to obtain encroachment permits from Caltrans and DPW as they are located in the public right-of-way. The applicants have provided the records of the encroachment permits and as existing structures with no proposed changes, DPW has stated that they do not require any further review.
15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was

appropriately notified of the public hearing by mail, newspaper and property posting.

16. **PUBLIC COMMENTS.** Staff has not received any comments at this time.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. Both of the wireless telecommunications facilities are located in the public right-of-way along Malibu Canyon Road and are mounted on existing utility poles. The project sites are located within the Parks land use category of the Malibu Coastal Plan. This category is designated for public-owned park and beach lands. The Malibu Coastal Plan is silent in regards to wireless telecommunications facilities mounted on existing utility poles located in the public right-of-way. The Regional Planning Commission approved the existing two wireless facilities by CUP No. 01-053-(3) and CUP No. 01-054-(3). As the project does not propose any changes to any of the existing wireless facilities and there have been no new land use policies regarding wireless facilities in the public right-of-way in the Malibu Coastal Plan; therefore, the project is consistent with this land use plan.
18. The two wireless facilities were approved in 2001 and have been operating for 12 years without any record of public complaints or zoning violations for any of the project sites. Both projects obtained the necessary encroachment permits for structures in the public right-of-way from Caltrans and the Department of Public Works. Additionally, the two facilities are located in rural, mountainous terrain and provide important communications infrastructure to these areas. Therefore, the requested uses at the locations proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
19. The two wireless facilities are located in the public right-of-way along Malibu Canyon Road and are mounted on existing utility poles and therefore there are no applicable zoning development standards. The two wireless telecommunications facilities are compliant with the Departmental standards for height and placement of wireless projects in the public right-of-way. Therefore, the proposed sites are adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
20. The project is a request to continue the use and operation of two wireless telecommunications facilities. There are no proposed changes to the two facilities, and the project does not require any new public infrastructure to continue their use. Therefore, the proposed sites are adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic

such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

21. The project is a request to continue the use of two existing wireless telecommunications facilities that are located in the public right-of-way with no proposed changes to the project sites. Therefore, the project qualifies as a Categorical Exemption, Class 1 (Existing Facilities) and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
22. Both of the wireless telecommunications facilities are located in a Significant Ecological Resource Area (SERA). The projects were reviewed by the Environmental Review Board (ERB) on August 19, 2013 and were not found to have any new substantial environmental impacts. ERB recommended the following conditions, which have been added to the project's Conditions of Approval:
 - Old and new above-ground facilities shall be painted in a color that matches the soil surrounding the facility or if on a wooden pole, the color of the pole.
 - In locations on stream banks, wattles shall be used downslope to capture and retrieve any debris from maintenance operations that may fall towards the stream for disposal in a landfill. This includes brush from clearance operations.
23. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
24. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for Conditional Use Permits as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, CUP No. 201300048 and CUP No. 201300052 are **APPROVED**, subject to the attached conditions.

MKK:SCT
10/16/2013

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NOS. R2013-00961-(3), R2013-00971
CONDITIONAL USE PERMIT NOS. 201300048, 201300052**

PROJECT DESCRIPTION

The project is a request to authorize the continued operation and maintenance of two (2) existing wireless facilities consisting of panel antennas and microcells mounted on utility poles and associated equipment cabinets on concrete pads at ground level located in the public right-of-way of Malibu Canyon Road, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on November 5, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunication facilities and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$3,200.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections per each facility. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code, to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works, to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WIRELESS)

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. The permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
21. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.

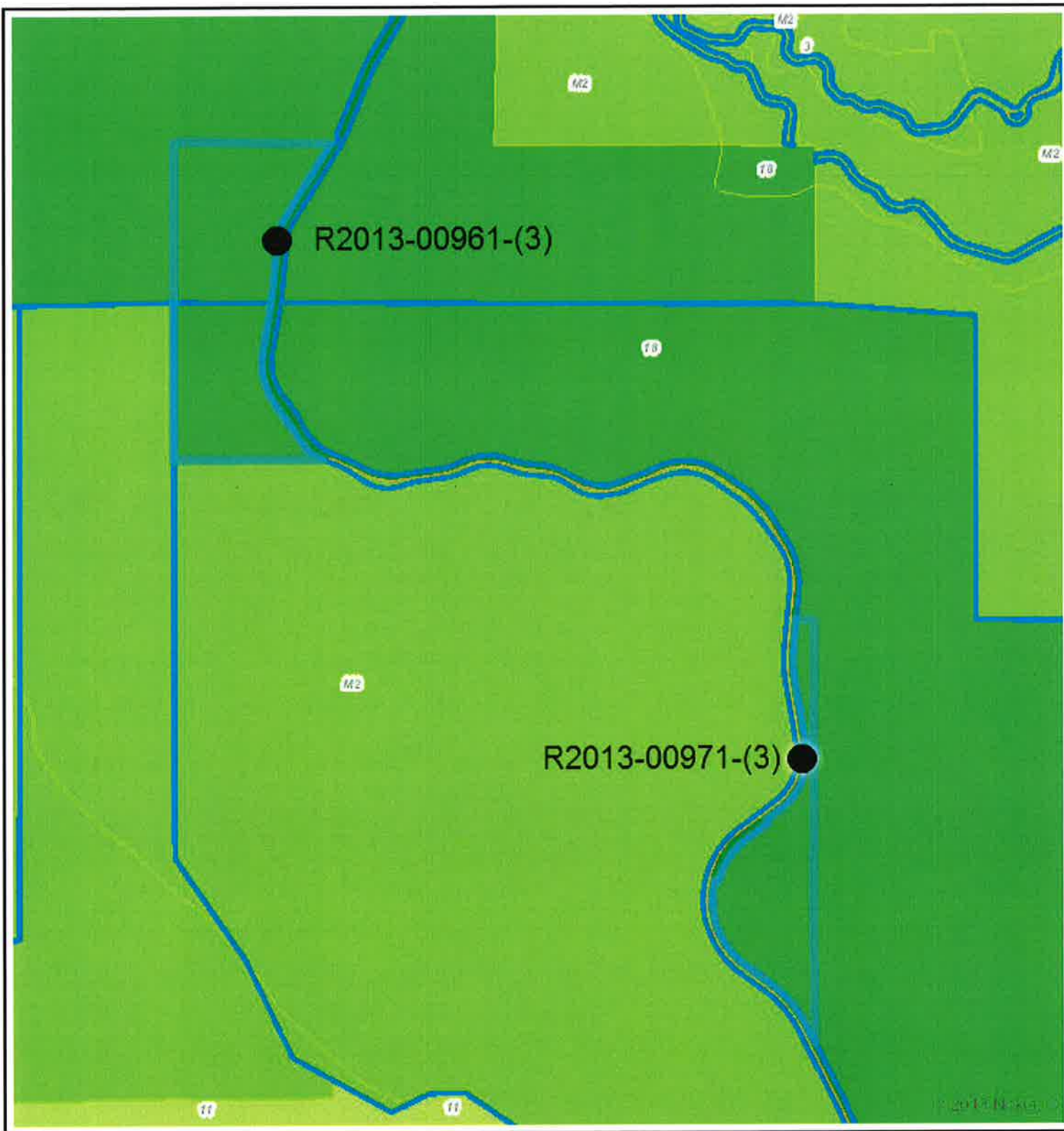
23. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
24. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
25. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
26. The project shall be maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
27. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.
28. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
29. New equipment added to the facility shall not compromise the stealth design of the facility.
30. This grant entitles the permittee to install the wireless telecommunications facilities on the existing or a replacement utility pole but does not entitle the permittee to retain the pole for its sole use or to install a new pole for its facilities in the event the existing pole is removed, such as to accommodate the undergrounding of utilities. Notwithstanding the provision of Condition No. 9 if the existing pole is removed prior to the termination date of this grant, this grant shall thereupon terminate. The applicant will be required to either obtain a new conditional use permit to relocate its facilities or to install a new pole or poles and continue the use at the present location. Application for a conditional use permit at such time shall be subject to the regulations then in effect.
31. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility. Failure to remove such facility as required herein shall

constitute a public nuisance and be subject to appropriate enforcement actions by the Zoning Enforcement Section of the Department of Regional Planning and any other government agency. In the event the facility is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the facility to be removed at the permittee's expense.

32. If the Department of Public Works requires the facility to relocate due to street improvement projects and undergrounding of utilities, the cost of relocation of wireless facilities due to such projects shall be fully borne by the owner, operator, or permittee of the wireless facilities involved.

PROJECT SITE SPECIFIC CONDITIONS

33. This grant shall authorize the continued operation and maintenance of two (2) existing wireless facilities consisting of panel antennas and microcells mounted on utility poles and associated equipment cabinets on concrete pads at ground level located in the public right-of-way of Malibu Canyon Road.
34. The antennas and power equipment cabinets shall be painted and maintained with a neutral color excluding black to blend into and harmonize with the surroundings, shall not be glossy or reflective in nature, and shall be maintained in good condition at all times.
35. Old and new above-ground facilities shall be painted in a color that matches the soil surrounding the facility or if on a wooden pole, the color of the pole.
36. For wireless facilities located on stream banks, wattles shall be used down slope to capture and retrieve any debris from the maintenance operations that may fall towards the stream for disposal in a landfill. This includes brush from clearance operations.



Department of Regional Planning Zoning & Land Use

Printed: Oct 22, 2013



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Feet

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**CONDITIONAL USE PERMIT NOS. 01-049-(3) through 01-054-(3)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATE: August 22, 2001

REQUEST: To construct, operate and maintain six separate unmanned wireless telecommunications facility sites along the rights-of-way of Stokes Canyon Road, Mulholland Highway, Las Virgenes Road and Malibu Canyon Road in the Malibu Zoned District.

PROCEEDINGS BEFORE THE COMMISSION:

August 22, 2001 Public Hearing

A duly noticed public hearing was held on August 22, 2001. One person was sworn in, the applicant's representative, Mr. Dean Brown. Mr. Brown presented testimony in favor of the request.

There being no further testimony, the Regional Planning Commission closed the public hearing.

Findings

1. The applicant is requesting conditional use permits to construct, operate and maintain six (6) unmanned wireless telecommunications facility sites along the rights-of-way of Stokes Canyon Road, Mulholland Highway, Las Virgenes Road and Malibu Canyon Road in the Malibu Zoned District. The facilities will consist of omni antennas or sector antennas mounted to the pole arms of six existing utility poles. A micro cell, measuring 36"x19"x11" will also be mounted 8' above ground on each pole. Power distribution cabinets measuring 34"x20"x47.5" will be mounted on concrete pads close to each pole. Three of the six sites will have retaining walls to protect the equipment cabinets.
2. Zoning on the sites #1,3,4,& 5 consists of A-1-1 (Light Agriculture – 1 acre required area), and zoning on site # 2, (01-050), is R-R-10 (Resort and Recreation – 10 acre required area) and zoning on site # 6, (01-054), is A-2-5 (Heavy Agriculture – 5 acre required area). All of the six sites are developed as existing utility poles.
3. Zoning on the surrounding properties for site # 1,3,4 & 5 consists of A-1-1 (Light Agriculture – 1 acre required area) and surrounding zoning on site # 2 is R-R-10 (Resort and Recreation – 10 acre required area). Surrounding zoning on site # 6 is A-2-5 (Heavy Agriculture – 5 acre required area). Surrounding land uses consists of vacant land except site # 1 has single

family residences to the south and site # 6 has residential, college office uses to the east.

4. The closest addresses of the sites are consecutively as follows; 01-049-(3), 2335½ Stokes Canyon Road; 01-050-(3), 28202½ Mulholland Highway; 01-051-(3), 1340½ Las Virgenes Road; 01-052-(3), 296½ Malibu Canyon Road; 01-053-(3), 121 Malibu Canyon Road and 01-054-(3), 1956½ Malibu Canyon Road.
5. The subject sites are located within the boundaries of two local plans, the Santa Monica Mountains North Area Plan (SMMNAP) and the Malibu Local Coastal Plan (SMMLCP) as follows:

Santa Monica Mountains North Area Plan

CUP 01-049-(3) is within the SMMNAP's N10 (Mountain Lands) designation. This designation restricts residential density to one (1) dwelling unit per 10 acres (1du/10ac). Permitted uses include, among other things, telecommunications facilities and other local serving commercial and public facilities.

Santa Monica Mountains Local Coastal Plan

CUPs 01-050-(3), 01-052-(3), 01-053-(3), and 01-054-(3) are within the SMMLCP's 18 (Parks) designation. The "Parks" designation includes public-owned park and beach lands.

CUP 01-051-(3) is within the SMMLCP 5 (Rural Land III) designation which allows a residential density of one dwelling unit for every two acres (1du/2ac). The "Rural Lands III" designation also allows low intensity commercial recreational uses as permitted land uses.

6. The site plans depict the following:

01-049-(3): The site plan depicts the existing utility pole with two (2) 38" omni antennas mounted 27' from the ground on 6' wide cable extension arms mounted at 24' on the 39' pole and an 11"x19"x36" microcell mounted to the pole 8' above ground. Also shown is a 6.5x3x8' concrete pad with a 47" high, 34"x20" power distribution cabinet on the concrete pad and a stepped up, masonry retaining wall approximately 10' southwest of the pole on the west side of Stokes Canyon Road.

01-050-(3): The site plan depicts the existing utility pole with two (2) 38" omni antennas mounted 28' from the ground on 6' wide cable extension arms at 25' high on the 61' pole and an 11"x19"x36" microcell mounted to the pole 8' above ground.

5. This grant will expire unless used within two years from the date of approval. A one-year time extension may be requested in writing and with the appropriate fee, before the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. This grant will terminate on August 22, 2011. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$500.00. per site. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 5 biennial inspections.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. Upon receipt of this letter, the permittee shall contact the Fire Department Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from

- fire hazard. Any necessary facilities shall be provided as may be required by said Department.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
 12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
 13. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
 14. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
 15. The project will require the filing of a Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code. The Notice of Determination will not be filed until the appropriate fees required by the California Department of Fish and Game are paid. The fees are based on the type of environmental document approved for this project; the current maximum amount is \$1,275.00. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation for this project under CEQA reporting requirements. The Negative Declaration in this case qualifies for a De Minimus Finding of Impact and is exempt from Fish and Game fees pursuant to Section 711.2 of the Fish and Game Code, the current minimum exemption fee amount is \$25.00.
 16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A".
 17. This grant allows the construction, operation and maintenance of unmanned wireless telecommunications facilities at six separate sites along the Stokes Canyon Road, Mulholland Highway, Las Virgenes Road and Malibu Canyon Road right-of-ways. The facilities consists sector and omni antennas mounted to the pole arms of six existing poles. A microcell antenna will be mounted on each pole. Equipment cabinets will

Also shown is a 3'x5'x8" concrete pad with a 46" high, 34"x20" power distribution equipment cabinet on top of the concrete pad 22' north of the pole on the south side of Mulholland Highway.

01-051-(3): The site plan depicts the existing utility pole with four (4) 11.8"x2.7"x19.3" sector antennas mounted 26' from the ground on 10' wide cable extension arms at 25' high on the 61' pole and an 11"x19"x36" microcell mounted to the pole 8' above ground. Also shown is a 34"x20"x47.5" power distribution cabinet on a 5'x3'x8" concrete pad and a stepped up (3'-4" to 6'-0") masonry retaining wall approximately 10' north of the pole on the east side of Las Virgenes Road.

01-052-(3): The site plan depicts the existing utility pole with two (2) 4.9"x10.6"x27.6" sector antennas mounted 26' from the ground on 6' wide cable extension arms on the 66' pole and an 11"x19"x36" microcell mounted to the pole 8' above ground. Also shown is a 5'x3'x6' concrete pad with a 46" high 34"x20" power distribution equipment cabinet 32' north of the pole on the east side of Malibu Canyon Road.

01-053-(3): The site plan depicts the existing utility pole with two (2) 8.7"x2.7"x10.6" sector antennas mounted 19' from the ground on 10' wide cable extension arms on the 39' pole and an 11"x19"x36" microcell mounted to the pole 8' above ground and a stepped up masonry retaining wall approximately south of the pole on the west side of Malibu Canyon Road.

01-054-(3): The site plan depicts the existing utility pole with four (4) 8.7"x2.7"x10.6" sector antennas mounted 24' from the ground on 10' wide cable extension arms on the 52' pole and a 11"x19"x36" microcell mounted 8' above ground and a 5'x3'x6" concrete pad with a 46" high 34"x20" power distribution equipment cabinet on top of the concrete pad 15' north of the pole on the west side of Malibu Canyon Road.

7. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation under the CEQA reporting requirements for each of the sites.
8. Staff received no public inquiry or opposition to this request.

9. A wireless telecommunications facility is a use not specified in Title 22 of the Los Angeles County Code (Zoning Ordinance). The use most closely matching a wireless telecommunications facility that is specified in the County Zoning Ordinance is a communications equipment building. Pursuant to 22.24.100 of the County Zoning Ordinance, a communications equipment building is a permissible use in the A-1 (Light Agriculture) and R-R (Resort and Recreation) zones provided a conditional use permit has first been obtained.
10. The Regional Planning Commission has approved similar telecommunication cluster sites on Kanan Road and Topanga Canyon Road.
11. The California Department of Transportation (Caltrans) recommends that large truck trips be limited to off-peak commute periods if applicable. Caltrans also requires a transportation permit if over-sized trucks or heavy construction equipment and/or materials are used for the project.
12. The Environmental Review Board (ERB) has recommended that conditions of approval require an archaeologist on site during digging for the trench. The ERB also recommends that the trenching be as close to existing roadway pavement as possible and that the concrete pad, equipment cabinets and retaining walls be painted natural earth tone colors.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGARDING THE CONDITIONAL USE PERMITS:

- A. The proposed use is consistent with the adopted general plans for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;

be mounted on concrete pads located near the base of each pole. This grant is subject to the following conditions:

- a. The facility shall be operated in accordance with regulations of the State Public Utilities Commission;
- b. Said facility shall be removed if in disuse for more than six months;
- c. Insofar as feasible, the operator shall cooperate with any subsequent applicants for wireless telecommunications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time;
- d. All buildings or structures shall be a neutral color excluding black to blend with surroundings and shall be maintained in good condition at all times;
- e. Within one year of cessation of operation of these facilities the permittee shall remove the unused facilities and clear the sites of all equipment. The permittee shall restore the site as nearly as practical to its original condition. Failure to remove such facilities shall constitute a public nuisance.

FM:vi
08-08-01

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify or hold harmless the County.
4. In the event that any claim, action or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted;
 - A. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

- D. The proposed site is adequately served by highways of sufficient width and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declarations together with any comments received during the public review process and finds on the basis of the whole record before the Regional Planning Commission that there is no substantial evidence the project will have a significant effect on the environment and further finds that the Negative Declarations reflect the independent judgment and analysis of the Regional Planning Commission and adopts the Negative Declarations.
2. In view of the findings of fact presented above, Conditional Use Permits Case Nos. 01-049-054-(3), are **APPROVED** subject to the attached conditions.

VOTE 4-0

Concurring: Valadez, Bellamy, Helsley, Rue

Dissenting:

Abstaining: Pedersen

Absent:

Action Date: 10/10/01



R 2013-00461-(3)
Cup 20130048

LA 3670322

Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The existing facility is collocated on a wooden utility pole located within the public right

of way and blends in with the rural characteristic of the area. two panel antenna are mounted to a wood cross arm to match the wooden utility pole; the installation is not detrimental or visually intrusive to the abutting and surrounding area; nor detrimental to the enjoyment of the surrounding owners.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Due to the rural nature and character of the area the existing facility is similar in scope, color and design of other existing wooden utility poles in the community. the site is virtually unnoticeable as a wireless facility given it's diminutive design and attachment to a wooden utility pole on a property that is adequate in size.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the site's location is within the public right of way and easily accessible by fully improved roads.



R2013-00961-(3)





R2013-00471-(3)
CUP 2013 00052

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Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The existing facility is collocated on a wooden utility pole located within the public right

of way and blends in with the rural characteristic of the area. four panel antenna are mounted to a wood

cross arm to match the wooden utility pole; the installation is not detrimental or visually intrusive

to the abutting and surrounding area; nor detrimental to the enjoyment of the surrounding owners.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Due to the rural nature and character of the area the existing facility is similar in scope, color and

design of other existing wooden utility poles in the community. the site is virtually unnoticeable as a

wireless facility given its diminutive design and attachment to a wooden utility pole on a property

that is adequate in size.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the site's location is within the public right of way and easily accessible by fully improved roads.



R2013-00971: (3)

